

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

§

vs.

§

§

REBECCA L. DIXSON

§

Case No. 4:01cr88  
(Judge Heartfield)

**REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 25, 2007, to determine whether the Defendant violated her supervised release. The Defendant was represented by Robert Arrambide. The Government was represented by Sam Cantrell.

Defendant was sentenced by the Honorable Chief United States District Judge Thad Heartfield on August 26, 2005 to 15 months imprisonment followed by a two (2) year term of supervised release for Possession of a Listed Chemical With Intent to Manufacture Methamphetamine. On September 6, 2006, the Defendant completed her period of imprisonment and began service of her supervised term.

On December 4, 2006, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that the Defendant violated the following conditions: 1) Defendant shall refrain from any unlawful use of a controlled substance and shall submit drug tests as directed; 2)

Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, except as prescribed by a physician; and 3) Defendant shall participate in a program of testing and treatment for drug and alcohol abuse until released by the probation officer.

The petition alleges Defendant committed the following acts: 1) Defendant submitted urine specimens on September 26, October 9, 18, 23, and 27, 2006, which tested positive for Methamphetamine; and 2) Defendant failed to report to Forensic Treatment Services for urine collection on October 19, 20, and 26, 2006, and November 6, 2006, and she failed to report for substance abuse counseling on October 30, 2006.

Prior to the Government putting on its case, the Defendant entered a plea of true to the alleged violations. At the hearing, the Court recommended that the Defendant's supervised release be revoked.

#### **RECOMMENDATION**

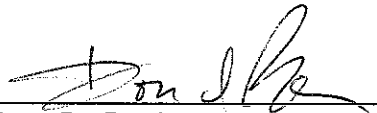
The Court recommends that the District Court revoke the Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with twenty-six (26) months of supervised release to follow.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the

magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

Signed this 3rd day of January, 2007.

  
Don D. Bush  
United States Magistrate Judge